IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1105 (S/S) of 2005

Jayendra Prasad Bhatt,
Son of Sri R.P. Bhatt,
Presently posted as Assistant,
Teacher (Language),
Government Higher Secondary
School, Tapovan,
District – Tehri Garhwal. **…….Petitioner.**

Versus.

1. State of Uttaranchal through Secretary, Education, Uttaranchal, Shashan, Dehradun.
2. Director of Education, Uttaranchal, Dehradun.
3. Regional Additional Director, Education, Garhwal Region Pauri.
4. District Education Officer, Tehri Garhwal, Narendra Nagar.

……...Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri I.P. Gairola, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of the respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Certiorari quashing the impugned transfer order dated 28.06.2005 by which the petitioner was transferred from Government High School, Tapovan, District – Tehri Garhwal to Government High School, Kodrana.

Learned counsel for the petitioner has submitted that in the year 1989 the petitioner was appointed as Assistant Teacher (Language) in LT Grade and initially posted at Government H.S. School, Adoda, District – Tehri Garhwal, which is a durgam area. After completing twelve years of services, for the first time in the year 2001, petitioner was transferred to sugam area i.e. at Government High School, Tapovan, District – Tehri Garhwal. Vide order dated 28.06.2005, petitioner was again transferred to Kodrana, which is again a durgam area.

Learned counsel for the petitioner has further submitted that the petitioner has already completed 12 years of service in durgam and ati durgam areas but only to save one Sri Subhash Chandra Tyagi, who has served only in sugam area, petitioner has again been transferred to durgam area. Since one of the LT Grade Teachers (Language) has to be transferred from the institution the respondents have transferred the petitioner in durgam area in violation of transfer policy of the State Government.

For redressal of his grievance, the petitioner has already made representation dated 07.07.2005 (Annexure No. 3 to the Writ Petition) to the respondent no. 4 – District Basic Education Officer, Tehri Garhwal, Narendra Nagar.

During the course of argument, learned counsel for the petitioner has submitted that respondent no. 4 may be directed to decide the representation dated 07.07.2005 of the petitioner within a particular period.

For the reasons stated above, it is a fit case to issue direction to respondent no. 4 i.e. District Basic Education Officer, Narendra Nagar, Tehri Garhwal, to decide the petitioner's representation dated 07.07.2005 within a period of three weeks from the date of production of certified copy of this order along with copy of the representation. Till the representation is decided by the respondent no. 4, petitioner shall not be relieved from the Government High School, Tapovan, if has yet not been relieved.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 4, 2005
SKSharma